

# **XIth National Congress of Delegates of NSZZ Solidarnosc Wladyslawowo, 10 – 11 December 1999**

Congress resolutions, statements, appeals

## **Introduction**

The present, for the first time four-year term of office of the authorities of NSZZ „Solidarnosc” began in a difficult time. Natural social tensions connected to continued restructuring of the economy and transformation of ownership were often embittered due to slower economic growth and the presence of such negative phenomena as increase of unemployment, decrease of incomes of the poorest families and farmers or the lack of feeling of security of the citizens.

Social discontent with the policy of the Government deepened, which was also caused by the mistakes made by the national authorities during introduction of the social reforms. Also biased criticism of the media (especially of the public television) and destabilising actions conducted by several opposition organisations fanned the flame.

NSZZ „Solidarnosc” defended the workers’ interests and rights mostly on the way of negotiations with the Government and bilateral talks with the employers and the social dialogue within the Tripartite Commission. Too often, however, the talks were held under pressure of street protests. The social dialogue is undergoing a crisis - the blame may be put both on the Government neglecting sometimes social partners or trying to liquidate the existing forms of dialogue (e.g. on establishing the minimal wage or increase of the salaries) and social partners (like OPZZ that withdrew from the works of the Tripartite Commission).

The Union puts limitations to its direct political involvement. The National Commission transferred half of its shares in the Electoral Action of Solidarnosc (AWS) to Social Movement of AWS (RS AWS) - in some cases all shares were transferred on the regional level. The agreements of co-operation between the Union and RS AWS were signed.

Facing the above mentioned challenges and more and more difficult conditions of trade union action, NSZZ „Solidarnosc” is preparing the review of the action programme and the plan of structural changes adapting the Union to the situation changing due to the reforms and economic transformation.

Such were circumstances in which the XI National Congress (the General Assembly of Delegates elected during the X Congress) of NSZZ Solidarnosc was held in Władysławowo, on 10 – 11 December 1999.

Those political analysts who expected the Congress to focus on political affairs and especially on presidential elections campaign were rather disappointed, as trade union matters prevailed, as usual. Below, you will find the texts of the most important decisions taken by the Congress.

## **CONGRESS RESOLUTIONS**

### ***Resolution on restructuring and privatising of national railways PKP***

XI National Congress of Delegates of NSZZ „Solidarnosc” puts an obligation on the National Commission and the Members of Parliament of AWS to undertake any possible action in order to adopt the Act on commercialisation, restructuring and privatisation of PKP with the text agreed with the National Section of Railway Workers of NSZZ „Solidarnosc”. The text should include the elements of social protection, pre-retirement benefits and dismissal benefits for reduced employees, as well as guarantees of reduction of debts of state company PKP, ensuring of financial means for restructuring and for reduction of debts of technical backup of railways.

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### ***Resolution on integration of Electoral Action of Solidarity (AWS)***

XI National Congress of Delegates of NSZZ „Solidarnosc”, recognising Social Movement of AWS as a natural political partner of the Union, at the same time states that the transfer to it of all voting rights of the National Commission within AWS is possible on condition that

political parties constituting AWS will transform it into federation and - in the future - a unified party. This process should be started before the presidential elections.

Another condition of the transfer voting rights is concluding of an agreement between NSZZ Solidarnosc and the future federation including the principles of co-operation and representation of NSZZ „Solidarnosc” by the future federation (party).

XI National Congress of Delegates calls upon political parties and organisations participating in AWS to cease all political disputes and mutual accusations. The unity of the elites and electorate of centre-right is an indispensable condition of effective realisation of the programme of NSZZ „Solidarnosc”.

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### ***Resolution on pre-retirement benefits***

XI National Congress of Delegates of NSZZ „Solidarnosc” addresses the National Commission and the Members of Parliament of AWS to undertake actions in order to novelise the Act on employment and counteracting of unemployment from 14 Dec. 1994, in the way enabling the employees who lost their jobs due to reasons generated by the company and acquired the right to pre-retirement benefits, to receive the benefit in the amount of 160% of the unemployment benefit, regardless the number of dismissed workers.

## **CONGRESS STATEMENTS**

### ***Statement on social pacts***

XI National Congress of Delegates of NSZZ „Solidarnosc” states that the State Treasury, by selling out the companies without conclusion of social pacts, violates the workers’ rights in the privatised companies and violates the principles of social dialogue with trade unions.

National Congress of Delegates appeals to the Government and the Parliamentary Caucus of AWS for urgent actions towards legal guarantees of obligation of negotiations and conclusion of social pacts with trade unions in the process of ownership transformation of companies owned by State Treasury and local governments.

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### ***Statement on conditions of participation of NSZZ „Solidarnosc” in the presidential elections in the year 2000***

The history of subsequent democratic elections in III Republic of Poland shows explicitly that the „Solidarnosc” political movement was successful while acting united, both in parliamentary and presidential elections. Suicidal rivalry of centre-right wing groups and candidates - both before and in the course of electoral campaign - was the main reason of electoral failures.

Taking into consideration these experiences, in the light of coming presidential elections, the XI National Congress of Delegates appeals to AWS for commencing and conducting the procedure of appointing a single candidate of „Solidarnosc” camp for the elections.

NSZZ „Solidarnosc” is of the opinion that the candidate of AWS should be appointed from among the persons nominated by the groups which belong to AWS (or co-operating in presidential elections) basing on the AWS chart.

A candidate appointed this way may be supported by NSZZ „Solidarnosc” by the means of appropriate resolution of the National Commission of NSZZ „Solidarnosc”.

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### ***Statement on notification of the articles of European Social Charter***

XI National Congress of Delegates of NSZZ „Solidarnosc” demands the Government of Poland to notify the mentioned below non-ratified articles of the European Social Charter:

Article 4 act 1 - to recognise the right of workers to a remuneration guaranteeing them and their families a decent standard of living;

Article 13 act 1 - guaranteeing any person without adequate resources and unable to gain them from other sources, especially through the system of social protection, to be granted adequate assistance and, in case of an illness, proper care due to health conditions.

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### **Statement on changes in the Labour Code**

XI National Congress of Delegates of NSZZ „Solidarnosc” strongly protests against the change of the article 241 chapter XI of the Labour Code proposed by the Government, which grants the possibility to dissolve a collective agreement after one year of putting it into notice.

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### **Statement on privatisation of health care**

XI National Congress of Delegates of NSZZ „Solidarnosc” states that the conducted reform is accompanied by „wild” privatisation which is the source of additional social unrest. The Congress, being concerned about the fact, expects the Government and Parliamentary Caucus of AWS to undertake immediate legal regulations determining the process of ownership transformation in the health care.

These regulations should ensure the character of public service of the health care, as well as the social and workers guarantees. The proposed solutions should be consulted with trade unions, starting with legal acts through the piloting programme and system solutions. The process of transformation should be proceeded by trainings of the employees for functioning in the new system.

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### **Statement on ratification of ILO's Conventions**

XI National Congress of Delegates of NSZZ „Solidarnosc” applies to the Government of Poland for ratification of Convention of International Labour Organisation:

- No. 102 on Social Security (Minimum Standards),
- No. 150 on Labour Administration,
- No. 159 on Vocational Rehabilitation and Employment,
- No. 168 on Employment Promotion and Protection against Unemployment,
- No. 173 on Protection of Workers' Claims (Employer's Insolvency),
- No. 176 on Safety and Health in Mines,

along with respective Recommendations of ILO.

Ratification of these documents - crucial for the workers and the unemployed - was announced by subsequent Ministers of Labour.

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### **Statement on assumptions for the act on „bridge pensions”**

XI National Congress of Delegates of NSZZ „Solidarnosc”, referring to previous statements of the National Commission in the matter of „bridge pensions”, states as follows:

1. The report presented by the Commission of Doctors including the criteria and the list of professions of special conditions or of specific character, is impossible to be accepted due to the threat of denying the right for early retirement of the professional groups in the range unacceptable for the Union.
2. The Government should prove that the professional groups hitherto entitled to the benefits according to the governmental decree from 7 Feb. 1983 and other resort regulations do not fulfil the criteria. It is unacceptable that it is up to trade unions to prove that the omitted groups qualify for the special rights.
3. The loss of the rights of the people qualifying for the benefits according to the old act we consider as denial of acquired rights. NSZZ „Solidarnosc” will demand the principle of acquired rights to be respected. The compensations in the form of higher starting capital should be granted regardless the time of work in specific conditions.
4. We demand a presentation of simulation of the system of bridge pensions and of the level of pensions, in dependence on the option of taking advantage of bridge pension or not. Moreover we demand urgent decision on the mode of appointment of qualification commissions creating the list of jobs and positions on the enterprise level. We also apply for access to credible statistical data determining the average length of life of the workers of specific conditions and specific character.

5. We expect the presentation that the prepared system of vocational trainings for the people working in specific conditions or specific character in the regions of high professional monoculture and forced to change their profession after they reach the acceptable time limit of work, will be combined with real job creation.
6. Referring to the constitutional principle of legal equality of the citizens we are of the opinion that any solutions have to be equally beneficial for the workers and for the „uniform sector”.

The National Congress of Delegates states that the Working Group of the National Commission for negotiations on bridge pensions represents the Union in the talks with the Government of Poland in the matter of future solutions which will be ratified in the Act on bridge pensions.

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### ***Statement on trade union trainings***

XI National Congress of Delegates of NSZZ „Solidarnosc” in order to realise the basic tasks and ensure effectiveness of the Union, recognises as necessary the conducting of trainings for the newly elected activists on all levels in the range of general trade union knowledge, collective agreements and negotiations.

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### ***Statement on December '70 and anniversary of introduction of martial law***

We celebrate another anniversary of tragic developments of December 1970 and 18th anniversary of introduction of martial law.

The representatives of communist authorities at the time gave order to shoot to the workers in Gdansk, Gdynia, Silesia, Lubin, Nowa Huta, who fought defending their work places, dignified remuneration and free Poland.

No judgement of the people guilty for the massacre of workers in Gdansk and Gdynia in December 1970 was done until now.

The fact of the never ending court trials of the people guilty for the tragedy in the „Wujek” mine, as well as the militia responsible for the death of protesting inhabitants of Lubin remains incomprehensible for us.

XI National Congress of Delegates of NSZZ „Solidarnosc” applies to the Voivod Courts in Katowice and Wroclaw to do their best to close the trials and punish the guilty.

XI National Congress is of the opinion that it is everyone’s duty to keep the memory of the people who sacrificed their lives. It is thanks to them that we live in free, democratic Poland now.

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### ***Statement on time of work included into pre-retirement benefits***

XI National Congress of Delegates of NSZZ „Solidarnosc” applies to the National Commission and the Members of Parliament of AWS to undertake actions in order to include the time of education of the professional students into the time of work without the dues for social insurance.

The National Congress is of the opinion that the restructuring of employment conducted in many companies leads to mass lay-offs of workers, and in the course of that the workers with the same qualifications and the same time of work have different rights for benefits and pre-retirement benefits with regard to the type of school they attended to.

## **CONGRESS APPEALS**

### ***Appeal on war in Chechnya***

XI National Congress of Delegates of NSZZ „Solidarnosc” wishes to pass to the struggling for independence nation of Chechnya the words of solidarity and support. We, the Polish people, know very well how difficult it is to gain independence. We also know that such struggle is often accompanied by justified feeling of being alone. Today, in the face of genocide done by the Russian troops on your brave nation, we appeal to all the nations and

governments to undertake any possible action to put an end to military actions and make it possible for the refugees to return to their fatherland.

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### ***Appeal on changes in the Labour Code***

XI National Congress of Delegates of NSZZ „Solidarnosc” appeals to the Members of Parliament of AWS to overrule strictly any proposals of changes of the Labour Code that would limit the workers and trade union rights.

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### **Letter sent by OPZZ to XI National Congress of Delegates of NSZZ „Solidarnosc”**

Delegates for the Congress and Members of NSZZ „Solidarnosc”:

After two years of governance of the coalition of Electoral Action of Solidarnosc (AWS) and Union of Freedom (UW), the future of our Fatherland is more and more uncertain, and the situation of large social groups of working people becomes more and more tragic.

The economic growth has significantly decreased. The unemployment increased by half a million of people and the chance to control it becomes smaller and smaller.

The State’s finances are threatened, the public debt increases and the proportion between export and import of goods has drastically worsened. This may make Poland lose the chance to accelerate the development.

Four social reforms - badly prepared and even more badly realised - have brought fatal effects. Except for highly paid state and self-government officials we are all carrying unnecessary, high costs of these reforms.

The All-Polish Confederation of Trade Unions warned at the very beginning of the Government of Buzek and Balcerowicz that such occurring might take place. Therefore during our VI Congress we put forward an initiative to ratify Pact for Polish Family which was supposed to ease the effects of the Governmental policy towards the weakest groups of citizens. Unfortunately, your National Commission and the Government created by it made the discussion on this subject impossible. The social dialogue turned into a game of appearances, and the Tripartite Commission is practically liquidated. Therefore, along with all trade unions that treat their mission with respect, we created an Inter-Trade Union Co-ordination Committee struggling for change of social and economic policy of the Government.

Your Government, however, does not want any dialogue. They prefer to shoot rather than to talk.

Restructuring of many important branches such as mining, steel working, light industry, armaments industry, railways, is conducted fatally and leads to liquidation of thousands of working places. It generates huge army of unemployed people along with enormous costs carried by the society. The situation of Polish rural regions is even worse.

The effects of actions of the present Government, disastrous for Poland and the Polish people, may be mentioned on and on: the collapse of Social Insurance Fund, inefficiency of the health funds, sale out of Polish banks, and so on.

NSZZ „Solidarnosc”, the leading force of the coalition, is responsible for this situation. NSZZ „Solidarnosc” does not realise its electoral programme, but realises the dogmatic, neoliberal policy of Union of Freedom (UW) and its leader Leszek Balcerowicz - the policy that has been abandoned by all the developed countries, and which is criticised now by its authors like e.g. George Soros. Your Union keeps the protection umbrella over this Government and authorises its actions. Your Union wants to make longer the 8 hour work day which was achieved after many years’ struggle for workers’ rights in 1918.

This is why you are perceived as a force that was able only to take care of your own financial interests and to ensure that your trade union oligarchy is granted warm, well paid positions.

OPZZ is concerned to see „Solidarnosc” leave the ideals and values that once were the basis of this huge social movement. We are of the opinion that weakening of any trade union strikes at the whole of workers movement and is harmful for working people.

Dear Friends! In spite of many attempts and efforts we were not able to get your co-operation on the central and regional levels. We are sorry about that. However in the most of companies our organisations are able to co-operate efficiently in the name of the interests of employees. This means that without prejudice Polish trade unions can efficiently protect the workers' interests.

Therefore we appeal to the XI Congress of NSZZ „Solidarnosc”, to all its members: stop your leaders! It is impossible to rebuild the old image of „Solidarnosc”. But still there is a chance to make it impossible for the predatory leaders of the present coalition to lead Poland on the way of wild inhuman capitalism. To a big extend it is up to you whether the principle of social justice, so strongly stressed by John Paul II, will be realised.

We wish you fruitful debates.

9 December 1999